

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TERRY JAMES CLARK,

Plaintiff,

v.

PERRY RUSSELL, *et al.*,

Defendants.

Case No. 3:21-cv-00277-LRH-CLB

**ORDER**

**I. DISCUSSION**

On June 21, 2021, Plaintiff, then an inmate in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.)

On July 29, 2021, following confirmation from the NDOC inmate database that Plaintiff Terry James Clark (#89533) had passed away on July 9, 2021, the Court issued an order allowing a 90-day period from the date of that order for a motion for substitution to be filed by any party or by the decedent’s successor or representative. (ECF No. 5).

Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

The 90-day period has passed and there has been no motion for substitution. As such, the Court dismisses the case.

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that the Court dismisses this case pursuant to Fed. R. Civ. P. 25(a)(1).

///

///

1 IT IS FURTHER ORDERED that the Clerk of the Court will enter judgment  
2 accordingly and close the case.

3 DATED: November 9, 2021.

4   
5 \_\_\_\_\_  
6 LARRY R. HICKS  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28